

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

IN RE: VALSARTAN PRODUCTS
LIABILITY LITIGATION

CIVIL ACTION NUMBER:
1:19-md-02875-RBK-JS

STATUS CONFERENCE
(Via telephone)

Wednesday, October 28, 2020
Commencing at 10:00 a.m.

B E F O R E: THE HONORABLE JOEL SCHNEIDER,
UNITED STATES MAGISTRATE JUDGE
(Page 57) THE HONORABLE ROBERT B. KUGLER,
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

MAZIE SLATER KATZ & FREEMAN, LLC
BY: ADAM M. SLATER, ESQUIRE
103 Eisenhower Parkway
Roseland, New Jersey 07068
For the Plaintiff

GOLOMB & HONIK PC
BY: DAVID JOHN STANOCH, ESQUIRE
1835 Market Street, Suite 2900
Philadelphia, Pennsylvania 19103
For the Plaintiff

KANNER & WHITELEY LLC
BY: CONLEE S. WHITELEY, ESQUIRE
701 Camp Street
New Orleans, Louisiana 70130
For the Plaintiff

Karen Friedlander, Official Court Reporter
friedlanderreporter@gmail.com
(856) 756-0160

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1 **A P P E A R A N C E S : - C O N T I N U E D**

2

3 DUANE MORRIS LLP
4 BY: SETH A. GOLDBERG, ESQUIRE
5 30 S. 17th Street
6 Philadelphia, Pennsylvania 19103
7 For the Defendant ZHP and the Joint Defense Group

8

9 GREENBERG TRAURIG LLP
10 BY: VICTORIA LOCKHARD, ESQUIRE
11 STEVEN M. HARKINS, ESQUIRE
12 3333 Piedmont Road, NE, Suite 2500
13 Atlanta, Georgia 30305
14 For the Defendants, Teva Pharmaceutical Industries Ltd.,
15 Teva Pharmaceuticals USA, Inc., Actavis LLC, and Actavis
16 Pharma, Inc.

17

18 BARNES & THORNBURG LLP
19 BY: SARAH E. JOHNSTON, ESQUIRE
20 2029 Century Park East, Suite 300
21 Los Angeles, CA 90067-2904
22 For the Defendant, CVS Health Co.

23

24 ULMER & BERNE LLP
25 BY: JEFFREY DANIEL GEOPPINGER, ESQUIRE
26 600 Vine Street
27 Suite 2800
28 Cincinnati, OH 45202
29 For the Defendant, AmerisourceBergen

30

31 PIETRAGALLO GORDON ALFANO BOSICK & RASPANTI LLP
32 BY: CLEM C. TRISCHLER, ESQUIRE
33 One Oxford Centre, 38th Floor
34 Pittsburgh, Pennsylvania 15219
35 For the Defendant Mylan and the Joint Defense Group

36

37 RIVERO MESTRE LLP
38 BY: ANDRÉS RIVERO, ESQUIRE
39 2525 Ponce De Leon Blvd. Ste. 1000
40 Miami, FL 33134
41 For MSP

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45

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1 (ALL PARTIES VIA TELEPHONE, October 28, 2020,
2 10:02 a.m.)

3 JUDGE SCHNEIDER: Good morning, Counsel. This is
4 Judge Schneider. I hope everyone is well.

5 Sarah, are you there?

6 THE DEPUTY CLERK: I'm here, Judge.

7 JUDGE SCHNEIDER: Do we have a court reporter?

8 THE DEPUTY CLERK: Yes, Karen's on the line.

9 JUDGE SCHNEIDER: Hi, Karen.

10 THE COURT REPORTER: Hi, Judge.

11 JUDGE SCHNEIDER: Let's go on the record, Karen.

12 Again, this is Judge Schneider. We're on the record
13 in the Valsartan MDL-2875.

14 Can we have the names of lead counsel on the phone
15 starting with plaintiffs.

16 MR. SLATER: Good morning, Your Honor, Adam Slater on
17 behalf of plaintiffs.

18 JUDGE SCHNEIDER: Anyone else on plaintiffs' team
19 want to enter their appearance? If not, that's fine with the
20 Court, but usually a number of people enter their appearances,
21 but if not, that's okay.

22 MR. SLATER: I hate to be all alone here.

23 MR. STANOCH: David Stanoch, liaison counsel for
24 plaintiffs, not to leave Mr. Slater, Judge.

25 MR. RIVERO: And Judge, I'll join, Andrés Rivero,

1 counsel for MSP.

2 MS. WHITELEY: Good morning, Your Honor, this is
3 Conlee Whiteley on behalf of plaintiffs.

4 JUDGE SCHNEIDER: Good morning, Ms. Whiteley.
5 All right. Why don't we go for the defense then.

6 MR. GOLDBERG: Thank you, Judge. This is Seth
7 Goldberg on behalf of the ZHP parties and the defendants.

8 MS. LOCKARD: Good morning, this is Victoria Lockard
9 from Greenberg Traurig on behalf of the Teva entities and the
10 defendant.

11 MR. TRISCHLER: Good morning, Your Honor, Clem
12 Trischler for Mylan Pharmaceuticals and the defense group.

13 MR. GEOPPINGER: Good morning, Your Honor, Jeffrey
14 Geoppinger for AmerisourceBergen and the wholesaler
15 defendants.

16 MS. JOHNSTON: Good morning, Your Honor, this is the
17 Sarah Johnston for the retailer pharmacy defendants as well as
18 CVS and Rite Aid.

19 JUDGE SCHNEIDER: Okay. Good morning, everyone.

20 I received your letters. Thank you very much. They
21 were comprehensive. I'm prepared to talk about all of the
22 issues you want to talk about.

23 Before we get into the agenda, I'd just like to get
24 my arms around just generally where things are and some
25 general questions.

1 Judge Kugler, I spoke with him, we have prepared for
2 this conference, he's read your submissions, and unless you
3 have any objections, immediately after this part of the call,
4 he'll join us to deal with his issues and anything you want to
5 address with Judge Kugler.

6 So we're at the end of October. I know under the
7 current schedule, the defendants are supposed to be complete
8 with their document and ESI production by the end of November.

9 Are we generally on track with that, counsel? And
10 how are things going on that front?

11 MR. GOLDBERG: Your Honor, this is Seth Goldberg for
12 defendants. I believe we are. I believe all of the
13 defendants are working through their productions and are
14 producing documents on a rolling basis to plaintiffs, and I
15 don't know if there are any particular issues right now, so it
16 seems like we're headed in the right direction.

17 JUDGE SCHNEIDER: Terrific, that's really good news.

18 On another general note, you know, we'll talk about
19 the deposition protocols today, and I wholeheartedly agree
20 with what I said several times before, the logistical issues
21 regarding to these depositions are just incredibly
22 complicated. I can't imagine, I know I've never been involved
23 in a case where it's been as complicated as this case, but
24 with the sophistication of the counsel in this case and the
25 Courts help, I'm sure we'll get through it.

1 But we'll get into -- like I said, we'll get into the
2 deposition protocol issues, but in terms of scheduling, have
3 the parties started discussions about when and where the
4 depositions are going to take place?

5 Let's start with the plaintiffs, because I think
6 that's a little bit more straightforward. Have there been
7 discussions about when the class plaintiffs' deps are going to
8 start and where they are scheduled?

9 MR. SLATER: Your Honor, it's Adam Slater. We
10 provided in the last few days, dates and periods of time when
11 I think most of the class plaintiffs are available to be
12 deposed. We'll get more dates. They haven't been requested
13 by the defense, but we just unilaterally started providing
14 them, because we have, you know, a concern that the Court's
15 aware of that the defense doesn't want to proceed in the
16 timeframe that Your Honor has expressed, so we've just started
17 unilaterally providing dates in November, December, and
18 hopefully, the defense will start to accept those dates and
19 schedule the depositions.

20 We assume that the plaintiff depositions will be done
21 via Zoom. I don't think -- or a similar technology. We don't
22 really think there's a reasonable alternative at this point.

23 JUDGE SCHNEIDER: Mr. Goldberg, any discussion
24 amongst your group about when these depositions are going to
25 start, how you're going to coordinate them, who's going to

1 take them, et cetera?

2 MR. GOLDBERG: Yes, Your Honor, and we received
3 plaintiffs' letter, I think it was Monday evening, providing
4 us with a list of class representatives and dates in November
5 and December. We're going to look at that.

6 You know, the Court has set the period for those
7 depositions to be conducted through, I believe it's mid-March,
8 and as the Court noted during the last conference, the
9 defendants will determine when we're going to start those
10 depositions, probably appreciate getting those dates. I think
11 we are looking toward probably after the new year to begin
12 those depositions, but we are going to coordinate and we'll
13 let plaintiffs know, hopefully this week, whether we're going
14 to propose some dates or whether we're going to ask them to
15 get additional dates.

16 I think it would make sense for plaintiffs and be
17 reasonable for them to start asking their class representative
18 clients to look through dates in the first three months of
19 2021.

20 JUDGE SCHNEIDER: Okay. Well, that's fine,
21 Mr. Goldberg. And I agree, when you start those -- not you,
22 when the defendants start those depositions, it's completely
23 up to them. It's your call.

24 I know the Court order provides currently that the
25 depositions are going to start no later than January 15th. I'm just

1 going to make a minor change to that, to make it January 18th,
2 which is the Monday rather than the Friday. If the 18th is a
3 holiday, we'll make it the 19th. I don't think that
4 materially affects anything.

5 But, again, it's totally within the defendants'
6 control when they start, as long as they finish up by the
7 date.

8 Do the parties intend to communicate about who's
9 going to take what plaintiffs' deposition? I think that makes
10 a lot of sense. I'm not -- I read the protocol. I'm not sure
11 there was a provision in there about identifying who's going
12 to take the deposition, so that, you know, communications
13 don't have to flow -- every communication doesn't have to flow
14 through liaison counsel to avoid a bottleneck.

15 Is that something you're going to do, to advise each
16 other of who's going to take each deposition, who's going to
17 be the lead questioner anyway?

18 MR. SLATER: Your Honor, it's Adam Slater. I don't
19 think we addressed it, but it's a great point and I think that
20 we probably should add a provision that the lawyer who's going
21 to be leading -- defending the deposition should be identified
22 and the questioner, that way -- you're right. So that there
23 could be direct contact and not have to involve 20 lawyers. I
24 think it's a great idea, we should definitely include it.

25 JUDGE SCHNEIDER: Yeah, I do too. I think it should

1 be included. I think, I think, I'm not a hundred percent
2 sure, I may have seen something in the protocol about
3 communications go through liaison counsel and frankly, I think
4 that's a recipe for disaster.

5 Mr. Slater, Mr. Goldberg, you've got your hands full
6 with so many issues. The nitty-gritty of a deposition
7 probably is not something you need to get involved in, but the
8 lead defense attorney and the lead questioner should be able
9 to work those issues out.

10 MR. SLATER: I agree.

11 JUDGE SCHNEIDER: I agree, it should be in the
12 protocol.

13 Maybe another thing that should be in the protocol
14 is, if you can agree on a court reporter or multiple court
15 reporters so you know who's going to do these things and that
16 person or company or persons can get down the procedure that
17 you all want to follow to make things go smoother for you.
18 Again, I'll leave that up to you.

19 MR. SLATER: Your Honor, it's Adam Slater. Just to
20 notify you, we've spoken with Golkow who handled all the
21 depositions in the Benicar litigation, and we've told the
22 defense that, and I don't know that they've confirmed, but
23 hopefully, there won't be any objections to that and we
24 absolutely can do that. I think there's no way to do this
25 seamlessly, other than to have one company handling

1 everything, because obviously, there's scheduling and
2 technical issues, et cetera, so it makes a lot of sense to use
3 one company.

4 JUDGE SCHNEIDER: Okay, great. I'm not ordering it,
5 but I think it makes sense to use one or two companies. If
6 the plaintiffs want to use one, the defense wants to use one,
7 you know, that's fine, but probably it makes sense to use, you
8 know, a maximum of one or two companies.

9 So it sounds like the plaintiffs' deps, you know,
10 that's the low-hanging fruit in this case. You'll be handling
11 that and that looks like it's going to be fine.

12 I know one of the issues that you want to discuss
13 with Judge Kugler is the additional BI depositions you want to
14 take, Mr. Goldberg, and that's fine. I had a brief
15 conversation with Judge Kugler about that yesterday. If you
16 want to raise that today, that's fine.

17 I think he was anticipating addressing that at the
18 end of the November meeting, but if you want to raise it
19 today, that's fine, no problem. But it's not something that's
20 going ignored. We're aware of that request of the defendants.

21 The more problematic issue, obviously, is the
22 depositions of the defendants. We have the complications of
23 the foreign depositions, the Chinese, the Indian depositions.
24 Those are one category and then, of course, there's the
25 category of witnesses who hopefully are in the United States

1 that are going to be deposed.

2 Have there been discussions amongst the parties about
3 who's going to be deposed when, et cetera, et cetera?

4 MR. SLATER: Hello, Your Honor, Adam Slater again.
5 Those discussions have begun. If they're not done and they're
6 certainly going to need to advance further, we, as the
7 plaintiffs, have expressed to the defense that what we want to
8 do, and, Your Honor, we started to discuss those prioritized
9 people for depositions at least as a starting point plus
10 trying to get identification of who would be the designated
11 corporate representatives, and, you know, it's our hope, as
12 we've expressed to defense liaison, that we can work together
13 to try to be practical in terms of, for example, who gets
14 designated as a corporate representative, so that it can be
15 more easily done, hopefully, in the United States, or much
16 closer in time zones, so that it can be done more seamlessly
17 and with a lot less inefficiency, so that we could try to --
18 as we discussed previously, try to maybe reduce the number of
19 fact depositions we ultimately have to take as best as we can.

20 I think it's a conversation that has to continue, but
21 from our perspective, we think that the selection of corporate
22 representatives and the timing of the depositions have to take
23 into account where somebody is located, what language they
24 speak and, you know, I think that if we work together on that,
25 we can significantly reduce the logistical issues and make it

1 much more easy to get these depositions accomplished.

2 JUDGE SCHNEIDER: Yes, that certainly makes a lot of
3 sense, but I would hope one of the reasons we started this
4 more intensive effort about this issue is a recognition of how
5 difficult it is going to be.

6 So if the depositions of the defendants are going to
7 start in mid-January, the parties really have to roll up their
8 sleeves and start talking about who's going to be deposed
9 where and when.

10 Which reminds me, if it's not already in the
11 deposition protocol, I think it should be, and if it's not,
12 we'll order it.

13 But defendants should be required to identify who the
14 designated 30(b)(6) witnesses are going to be, who are going
15 to appear for their testimony.

16 I know in the run-of-the-mill cases, the plaintiff
17 usually finds out when the deposition starts, but this
18 certainly isn't the run-of-the-mill case. So there should be
19 an agreement amongst the parties, X days or weeks, whatever,
20 before the deposition is taken, the defendant should be
21 required to identify who the designated witness or witnesses
22 are, and that makes a lot of sense, because I know, and we'll
23 discuss it in a few minutes, there's this issue about
24 individual and corporate depositions, and you don't want to
25 depose the same person twice, makes a lot of sense, but in

1 order to accomplish that goal, the designee witness has to be
2 identified.

3 So, I think that's something important that should be
4 in the protocol, if it's not already in there.

5 Also, Mr. Slater, I think it's important to make sure
6 that the plaintiffs designate -- I don't know if you have a
7 person or a group of persons who is going to be responsible
8 for each defendant so that that defendant knows who to contact
9 about any questions and logistical issues.

10 I don't know, say, if you're going to have just one
11 person who's going to do all the ZHP depositions, or do you
12 have a team of people who are going to do the ZHP depositions.
13 But there should be a point person for the plaintiffs that Mr.
14 Goldberg or Mr. Trischler or, you know, Ms. Lockard knows for
15 their client, who they can talk to about issues, again, rather
16 than funneling everything through you.

17 MR. SLATER: We'll do that, Your Honor. I think to
18 some extent, we're still waiting for some guidance as to
19 whether there's going to be any prioritization of any of the
20 particular defendants, you know, based on some sort of, you
21 know, trial plan as we discussed months and months ago.

22 But in either case, we'll certainly have a point
23 person for scheduling and logistical issues for the sets of
24 depositions for each manufacturer, of course.

25 JUDGE SCHNEIDER: I know that when we had that call a

1 week or two or three ago with Judge Kugler, he had indicated
2 that he's going to address that with the parties at the end of
3 -- at the end of November call. I think that call is
4 scheduled for November 22nd or thereabouts, so the timing
5 should work out good to get further indication from Judge
6 Kugler about how the case is going to proceed, priorities.
7 Plaintiff can set them and then more intensive discussions can
8 take place about who's going to be deposed, where, et cetera.

9 Okay. Those were the general questions I had. We
10 can get into the more specific issues. Let me say at the
11 outset, that I read, obviously, I read what the parties
12 submitted. It looks like at least with regard to one specific
13 category of issues, the Rule 34 document requests to the
14 third-party payors, it looks like the parties are meeting and
15 discussing on this issue.

16 If the parties don't object, I certainly have no
17 problems if they continue their discussions and whatever
18 issues remain, we can address them at the November 11th call.
19 But it seems like the parties are making progress, and I don't
20 want to stand in the way of that.

21 To the extent there's any objection that the document
22 requests are late, that objection is overruled. The Court has
23 already said that the Rule 34 document requests may be served.
24 The substance of what's appropriate or not appropriate remains
25 to be decided or agreed upon, but we're not going to foreclose

1 the defendants from making those document requests, nor are we
2 going to foreclose the defendants from raising their
3 contention that documents that were responsive to the fact
4 sheets weren't produced.

5 So that may give the parties some guidance on some
6 issues, but if the parties are agreeable, I certainly am not
7 going to stand in the way of additional discussions to
8 hopefully work out all the issues, and again, whatever
9 remains, we can discuss on November 11th.

10 What do you all think?

11 MR. GOLDBERG: Your Honor, this is Seth Goldberg for
12 the defendants, and that is what we proposed to plaintiffs on
13 Saturday. I just want to clarify, the letter that the Court
14 received yesterday, we had proposed continuing to meet and
15 confer with plaintiffs on Saturday. We asked them if that was
16 acceptable. They did not respond to us until yesterday
17 afternoon, about 15 minutes before they filed their letter
18 yesterday evening.

19 Consequently, we were -- we had to brief the issue
20 fully for submission on Monday. It seems that the parties are
21 in agreement to meet and confer and hopefully, we'll be able
22 to resolve the issues by November 11th.

23 JUDGE SCHNEIDER: Okay. Great. That's fine. I
24 raised that issue first because it was easy to get out of the
25 way.

1 I have your letter in front of me, Mr. Goldberg. Do
2 you want to go through these sort of big picture issues on the
3 deposition protocol to see if we can get them resolved so we
4 can finalize the protocol?

5 MR. GOLDBERG: Sure.

6 Excuse the background noise, of course this is the
7 day that the lawns in the neighborhood are getting mowed.
8 Hopefully, that will stop soon. My neighbor has a much bigger
9 yard than I do.

10 (Laughter.)

11 JUDGE SCHNEIDER: Well, let me just say, let me just
12 say, I may have said this before, Mr. Goldberg, I almost never
13 get on a call these days where there's not a crying baby, a
14 landscaper or a contractor in the background, so don't worry
15 about it.

16 MR. SLATER: Your Honor, it's Adam Slater. Before we
17 get into this, I just want to make the Court aware and
18 possibly remind Mr. Goldberg, we have not completed our
19 meet-and-confer process on the deposition protocol. I just
20 want to make it clear for the Court because we just literally
21 in our letter brought the Court up to date on the fact that
22 the discussions were ongoing.

23 So we were surprised to see statements that certain
24 things had been finalized, or that the macro issues were ready
25 to be teed up for the Court. I mean, if you want to have a

1 discussion of it, we will, but we never completed the process,
2 we thought we were still talking. So this was a surprise to
3 us that their letter, the defense letter was framed as if
4 everything -- certain things were agreed to and other things
5 were ready to be argued. We thought the process was still
6 going.

7 MR. GOLDBERG: Your Honor, this is Seth Goldberg.
8 You know, that seems to be inconsistent with the fact that I
9 sent Mr. Slater the protocol with the macro issues and
10 identified those that we would be raising with the Court and
11 have not heard back and so was under the impression that we
12 were in agreement.

13 You know, if plaintiffs want to continue to talk
14 about the protocol, any particular issues they want to
15 discuss, we can do that, certainly, not, you know, no need to
16 finalize the protocol today.

17 These few issues we might, you know, we might want to
18 address now, since they've been raised with plaintiffs a
19 number of times. We've discussed them a number of times.
20 These issues seem to be ripe, but happy to, you know, put it
21 off and we can discuss it in two weeks. It's up to Your
22 Honor.

23 JUDGE SCHNEIDER: Well, we can deal with these three
24 issues or four issues now, but if there's going to be
25 additional issues, I would prefer that you meet and confer and

1 we can address them on November 11 or thereabouts.

2 I'm not surprised that Mr. Slater had said that there
3 were a couple of provisions in at least one of the addendums I
4 saw that -- I would be surprised if plaintiff in the first
5 instance agreed to it, so I expected that that was going to
6 happen, but why don't we deal with these issues now and any
7 additional issues, we'll deal with on November 11, and then --
8 it's a little bit later than I hoped, but it would still be
9 great if we could get a final protocol with addendums entered
10 before the end of November.

11 So why don't we forge ahead on these issues and we
12 understand that there may be additional disputes, and if there
13 are, parties will talk about it and we'll raise it and address
14 it at the next call on November 11.

15 Mr. Goldberg, do you want to start with the issues
16 you've raised?

17 MR. GOLDBERG: Sure. There are three issues that we
18 put in, and this is just with respect to the deposition
19 protocol, not the addendums, although, it may bear on the
20 addendums, but the first issue is that defendants have raised
21 the point that those witnesses that are being deposed pursuant
22 to the Master Complaint may end up being noticed for
23 depositions should there be an Irbesartan or -- and/or
24 Losartan Master Complaint and they may be noticed for
25 depositions pursuant to those Master Complaints, and what we

1 suggested to plaintiffs is that we add language to the
2 protocol that the parties would agree now that on -- should
3 witnesses in the Valsartan action be noticed for depositions
4 in the irbesartan and/or losartan actions, that the parties
5 would simply work together for those later depositions to try
6 to narrow them to avoid retreading ground covered in the
7 Valsartan matter, to the extent there is any, so that those
8 depositions are more streamlined and efficient.

9 And we've proposed language in our letter that went
10 out to add to the protocol to cover that issue, as you can see
11 on Page 2 of our -- at the top of Page 2 of our letter.

12 JUDGE SCHNEIDER: Isn't that hard to -- in concept,
13 isn't that hard to dispute, Mr. Slater?

14 MR. SLATER: In concept, it's hard to dispute, but
15 then when we started to ask questions of Mr. Goldberg during
16 the meet and confer, which I'm going to again say -- we should
17 talk through these now, I think it's a good idea, but I want
18 the Court to be fully aware that we had left it that we were
19 still discussing these issues, so we wouldn't brief the issues
20 if we knew it was being presented.

21 So in the meet and confer, we said, great concept,
22 now let me ask you a question. So if a witness, for example,
23 was deposed about the contamination of the Valsartan, are you
24 going to agree that that testimony is going to apply to
25 losartan and irbesartan. And the answer was, well, we'll have

1 to see what the testimony was.

2 So do we have to ask the question in a generalized
3 sense during the Valsartan deposition in terms of the drug, or
4 do we have to ask it in the context of Valsartan, or do we
5 have to also include irbesartan and losartan despite the fact
6 that we haven't initiated specific discovery on those drugs
7 and don't know if there are separate issues, so we're not
8 educated on that before the depositions? And the answers
9 were, you know, basically, we'll see or we'll figure it out.

10 So we have no problem with the concept. The problem
11 is, that the concept predisposes that the details will be
12 easily agreed to. We have no interest in asking a witness the
13 same question over and over again, if the testimony is
14 adequate and covers the issue the first time.

15 But I just gave you a couple of examples that are
16 really basic, and the answer from the defense was, we don't
17 know. I asked, was the losartan manufactured the same way,
18 does it have the same contamination causes across all the
19 defendants.

20 The answer was, we don't know, we haven't looked into
21 that yet, or we don't -- we can't tell you that.

22 So we were being asked to agree to something where
23 the defense was telling us, we don't know whether this is even
24 feasible on the fundamental issues. So that -- the devil is
25 in the details on this. There's no objection to the concept

1 that if somebody's been deposed on a common issue, and it's
2 overlapping to the losartan or irbesartan cases later, that it
3 doesn't need to be repeated, you know, we have clean
4 testimony, we're not going to be looking to do it again
5 anyway.

6 So again, the details, you know, beg for a little
7 more -- I just don't think it's an issue that needs to be
8 addressed in the protocol at this point, because the protocol
9 already addresses, in general, duplication, and again, there
10 is no agreement on how the details will interact between these
11 different drugs.

12 JUDGE SCHNEIDER: But, for example, the thought that
13 occurs to me is, let's say the same witness is produced for
14 losartan or irbesartan, however you pronounce it, we certainly
15 don't have to spend the first hour or two at the deposition
16 going over the gentleman's work history or employment history
17 and educational background, right?

18 MR. SLATER: I think we agree to that, I don't think
19 we'd have to repeat those questions. That's the low-hanging
20 fruit, to steal Your Honor's phrase. I'm talking the
21 nitty-gritty stuff that's the actual substantive testimony.

22 JUDGE SCHNEIDER: All right.

23 MR. SLATER: But I will ask -- I'm sorry, go ahead,
24 Judge.

25 JUDGE SCHNEIDER: No, you go ahead.

1 MR. SLATER: I was just going to say, so does that
2 presuppose that in the Valsartan deposition, we need to take
3 stuff away and ask about their involvement with losartan and
4 irbesartan -- I do not believe it would be appropriate.

5 (Court reporter asks counsel to repeat.)

6 MR. SLATER: What I said is that we don't believe it
7 would be appropriate for us to have to address losartan and
8 irbesartan during the Valsartan depositions, because,
9 obviously, that's something we have no specific discovery on
10 and that would take away time to develop the Valsartan case.

11 JUDGE SCHNEIDER: I think the best thing is, and I
12 was just going to say, Mr. Goldberg, I think the best thing to
13 do is to defer this issue, let the parties talk about it, and
14 see if you can reach a consensus. I do seem to recall, Mr.
15 Slater is correct, that there is a provision already in the
16 protocol about duplicative testimony.

17 You can be assured that we're not going to permit a
18 witness to be harassed. I don't think the plaintiffs would do
19 that anyway, nor do I think the plaintiffs have an interest in
20 duplicating grounds that have already gone over, but it's hard
21 to -- it's hard to disagree with the general notion that there
22 are going to be specific questions regarding losartan, for
23 example, that are not applicable to Valsartan.

24 So I would suggest we just defer this issue for the
25 moment and let the parties discuss it further and maybe, maybe

1 not, we'll have to address it in the future. Okay?

2 Why don't we go on to the second issue, Mr. Goldberg.
3 Now, this is an important issue. Who may attend depositions.
4 Certainly, I don't think there's objection if people listen in
5 on depositions. I don't think that's what you're concerned
6 about. The parties are concerned about who's going to have a
7 right to question at depositions, is that right, Mr. Goldberg?

8 MR. GOLDBERG: Yes, Your Honor, there are a few
9 issues. One, we agreed, we don't think there's any reason the
10 defendant in this MDL should not be able to attend a
11 deposition, if it's by video, then it's, you know, either the
12 video or listening in to the deposition. If it's in person,
13 that right still exists. You know --

14 JUDGE SCHNEIDER: And let me just ask, is there any
15 dispute about that? Put questioning aside, but, plaintiffs,
16 is there any serious dispute that any defendant who wants to
17 listen in on a dep can listen in?

18 MR. SLATER: Nope. No, Your Honor. It's Adam
19 Slater. No dispute.

20 JUDGE SCHNEIDER: Let's get to the harder question.

21 MR. GOLDBERG: So in terms of the questioning, there
22 are -- there are a couple of provisions in the protocol that
23 matter here. So in terms of an action where a defendant is a
24 -- a particular action in which a defendant is named, a party
25 is named as a defendant in that action, so, say, a personal

1 injury case, where you have three different manufacturers, the
2 wholesaler and two different retailers, you know, it's our
3 view that each of those defendants has a right to question the
4 witness with facts -- about facts specific to that defendant.

5 I mean, this is what happens in PI cases all the
6 time. In particular, questions like product identification
7 are, you know, particularly pertinent to a specific defendant,
8 and our approach would be to allocate, among the different
9 defendants the questioning, so that you'd have one lead
10 attorney who would ask the vast majority of questions of the
11 witness.

12 But to the extent there are some particular questions
13 that a specific defendant, who's been named in the case would
14 like to ask, that the defendants would allocate their time
15 accordingly to allow for that question, and, of course,
16 reserving the right, if necessary, to ask for additional time.

17 But going in, our approach would be to allocate the
18 time to fit within the seven hours.

19 So that's the issue of defendants named in a specific
20 action.

21 There is another issue which, you know, which relates
22 to a specific provision in the protocol that I'm going to try
23 to direct Your Honor to, but effectively, what it does, it
24 puts all of the defendants in the MDL on notice that any
25 witness's testimony can be used against that defendant, even

1 if the defendant is not named in a specific action.

2 So in a way, every defendant has, you know, has an
3 interest in appearing at the deposition in light of that
4 provision, and there is a possibility, I suppose, that a
5 witness could provide some testimony that a, you know, an
6 individual defendant might feel the need to ask a question to
7 the witness, and in light of that provision, I don't see how
8 the defendant can be precluded from asking the witness a
9 question, and I'm just trying to find the provision.

10 If you're looking at Exhibit A to our letter on
11 Page 16, it might appear to Your Honor in the marginalia and
12 deleted language of what it says is, the testimony can be used
13 in this litigation against anybody who was served with notice
14 of the deposition or otherwise had reasonable notice thereof.

15 So, of course, every defendant in this MDL has notice
16 of a deposition. So our --

17 JUDGE SCHNEIDER: I think I -- okay. I'm sorry, go
18 ahead.

19 MR. GOLDBERG: Our thinking is that with respect to
20 the, you know, cases where individual defendants are named, we
21 would allocate the time between the defendants to try to fit
22 it within seven hours, with a lead attorney asking the vast
23 majority of the questions, and, of course, there is this --
24 and so that's one issue that we -- and we've proposed language
25 for that.

1 But, you know, there is this background issue that
2 could result in some -- some defendant that is attending the
3 deposition also needing to ask a question, and we wanted to
4 make sure the Court was aware of that, and that really goes to
5 why there is a right to attend a deposition.

6 JUDGE SCHNEIDER: Well, that issue is resolved.
7 Everybody can attend the depositions. The real question is
8 whether they can question.

9 So on the issue of whether a deposition can be used
10 against any defendant in the MDL, these cases are consolidated
11 for discovery and case management, so don't the Federal Rules
12 of Procedure, you know, provide that if a deposition is taken
13 in the case, it can be used against any party, right? You
14 can't prevent that, can you? You can't usurp the Federal
15 Rules of Civil Procedure.

16 MR. GOLDBERG: Right. The Federal Rules of Procedure
17 and evidence will control, and so it's just important that,
18 you know, a party who's attending -- that the parties have the
19 right to attend the deposition in light of those rules, and if
20 necessary, be able to confront the witness in light of those
21 rules.

22 JUDGE SCHNEIDER: Well, again, we're talking
23 conceptually, but certainly, if they take the plaintiff,
24 whoever is named in that plaintiffs' Complaint, those
25 defendants who are on notice, that, you know, there may be

1 testimony at the deposition about product ID and use of their
2 products. So more than likely, they're going to attend that
3 deposition.

4 And if there's questions regarding their specific
5 circumstances, there's probably no dispute that they have a
6 right to follow-up questioning about product ID issues and
7 issues specific to themselves.

8 I'm not picking on anybody. Let's say CVS. If the
9 plaintiff testified that CVS was their pharmacy, CVS was named
10 in that Complaint, no one can seriously dispute that that
11 attorney has a right to question the witness about CVS-related
12 issues.

13 That seems to be indisputable.

14 MR. SLATER: I have no dispute on that, Judge.

15 JUDGE SCHNEIDER: Right. The harder question would
16 be, what happens if you get to a deposition and the plaintiff
17 says, oh, yeah, I remember that, I also went to Walgreens, and
18 if Walgreens happens to be at that deposition, fine, they ask
19 their questions. But Walgreens may choose not to be there
20 because they weren't named in the Complaint, and then they
21 subsequently find out they were named. The harder question
22 then becomes what rights does Walgreens have to then question
23 the witness that they weren't on notice of that they were
24 going to be named.

25 It seems to me that has to be worked out because

1 Walgreens has to be protected, right?

2 MR. GOLDBERG: Correct, Your Honor. Under those
3 circumstances, we would probably ask that the witness be
4 called back for another deposition.

5 JUDGE SCHNEIDER: About those specific limited
6 issues, right?

7 MR. GOLDBERG: Right. Correct.

8 JUDGE SCHNEIDER: And just another thought,
9 Mr. Goldberg, we've all been at depositions and we know how
10 those go, but I hope it's not envisioned that when you go
11 around the table, that each of the, you know, product ID
12 companies, the companies that are so worried about product ID
13 issues, that they follow up on the general subject areas, you
14 know --

15 MR. GOLDBERG: Correct.

16 JUDGE SCHNEIDER: -- product, QI. I hope that's not
17 envisioned, but absolutely a hundred percent they have a right
18 to follow up on product ID issues specific to their client.

19 MR. GOLDBERG: You're right, Your Honor, and that's
20 -- we do not envision having that kind of duplication and
21 that's why we proposed the language that we have proposed.

22 JUDGE SCHNEIDER: So would it be appropriate to
23 include a provision that, you know, someone has a right to
24 make an application for good cause shown, to redepose a
25 witness about a subject area, and I would think that if a

1 defendant is not named in the Complaint, they're not on notice
2 that they're going to be named at a deposition, but they are
3 named at a deposition. It just seems to me that's good cause
4 to question -- to redepose the witness about that limited
5 area, which would mean that not every defendant has to attend
6 every deposition in order to protect their interests.

7 MR. GOLDBERG: Yes, Your Honor, I do think you're on
8 to something and why don't we talk with plaintiffs about
9 whether there's specific language that addresses it that we
10 can come up with, that addresses that point.

11 JUDGE SCHNEIDER: Right. Okay. And while we're on
12 that subject, I did think there should be a caveat that if
13 there's good cause, you can make an application to redepose a
14 witness about a specific subject area, but shouldn't there
15 also be a caveat, that this doesn't go for either side, it
16 goes for both sides, plaintiffs or defendants, that you have a
17 right to apply for more than the seven hours or the
18 seven-plus-50-percent hours to depose a witness.

19 There may be witnesses that it's expected you're
20 going to take more than seven hours. I mean, I'm not picking
21 on anybody, I'm not making a ruling.

22 In a few minutes, we're going to talk about the MSP
23 issue and that might be someone that the plaintiffs reasonably
24 believe they can't get done in seven hours. There may be a
25 defense witness who has an incredible number of documents and

1 they're in a foreign language and maybe one-and-a-half days
2 isn't enough, so shouldn't there be something in the protocol
3 about a good cause showing that making an application to
4 either redepose a witness or to extend the time to take a
5 deposition.

6 If you can't agree. My experience has been good
7 counsel agree on issues like that, but sometimes there's
8 disputes.

9 MR. SLATER: Your Honor, it's Adam Slater. I think
10 we may already have the language in there to that effect. If
11 not, it makes sense. I do want to correct one thing, or just
12 make one thing clearer for Your Honor. This is in the
13 category of, we didn't agree to the protocol, and frankly, the
14 defense knew it, because they put in the 50 percent additional
15 time and that's the amount of extra time we asked for.

16 We had 75 percent and so just to flag that for Your
17 Honor. I mean, I think we had 50 percent or 75 percent in
18 Benicar, that was just Japanese translators who were sitting
19 in the room with the witnesses.

20 JUDGE SCHNEIDER: We'll talk about that. I
21 understand that's a gigantic problem. I have taken, when I
22 was in practice, translated depositions and realized how
23 incredibly cumbersome and difficult they are.

24 MR. SLATER: -- but you say we agree to as
25 plaintiffs. We don't have a problem in concept of what you

1 said. It makes sense, and we should be able to work these
2 things out.

3 JUDGE SCHNEIDER: Okay. So then let's go to the
4 third issue, which is the individual capacity corporate reps.

5 Again, we'll let you talk about it further. I only
6 make this comment. I'm not ruling. Whatever you agree to is
7 fine with me.

8 My experience, though, has been the opposite of what
9 I understand you're proposing. I think you're proposing that
10 the witness be deposed in the corporate capacity first and
11 then deal with the individual issues.

12 I don't know, my experience has been that the
13 individual is deposed first and then the company designates
14 which portion of that testimony, if not all of it, shall be
15 30(b)(6) testimony. But if you want to do it the other way
16 around, of course, I have no objection to it. It was just
17 interesting that my experience is a little bit different than
18 yours.

19 MR. GOLDBERG: Well, Your Honor, this is Seth
20 Goldberg. I think, I think the main point of this is really
21 that the depositions be conducted on -- either on the same day
22 or consecutive days.

23 Whether you order it individual first, 30(b)(6)
24 second, or 30(b)(6) first, individual second, I suppose that
25 could be decided among counsel before the deposition, but, you

1 know, there are some witnesses who are going to be designated
2 for the topics in the plaintiffs' 30(b)(6) notice, and what we
3 don't want to do is have a situation where a witness is
4 deposed on those topics on one day and weeks later is called
5 back to be deposed on their individual -- in their individual
6 capacity.

7 And so what we think makes sense is to start with the
8 30(b)(6) topics, which are more discreet, and in some cases,
9 you know, a witness may only have one or two topics.

10 You finish those topics and then you commence the
11 seven-hour individual testimony, and, Your Honor, if it need
12 be to slip into the next day, you finish the testimony, then
13 you do that. But what we don't want to do is split these up
14 by weeks and months, especially given the very challenging
15 logistical issues.

16 JUDGE SCHNEIDER: It sounds to me like that's an
17 issue you're going to work out.

18 I would assume that plaintiff has the same interest
19 as you in doing the depositions efficiently and whatever order
20 you agree to is fine with me, of course. If there's a
21 dispute, we'll address it.

22 So long as plaintiff is given sufficient notice,
23 which it sounds like they will about who's going to testify
24 about what 30(b)(6) topic. I don't know, it seems pretty
25 straightforward that you'll be able to work that out.

1 MR. GOLDBERG: Your Honor, this is particularly
2 important and I think there's been a little bit of confusion
3 here. We understood that there would need to be additional
4 meet and confer about the addendums, which were only provided
5 to plaintiffs on Friday, but these macro issues have been the
6 subject of back-and-forth meet and confers for more than a
7 month, and these three particular issues did not need to be
8 the subject of additional meet and confer, and on this
9 particular issue, the -- and that's why we proposed the
10 language we did, was so that we didn't have to have further
11 negotiation on this issue, or on any of these three issues.

12 The language seems to cover everything that we've
13 discussed on all three of these issues and I haven't heard any
14 disagreement about that language.

15 But on this particular issue, we do want there to be
16 some clarity that where there is an individual deponent, a
17 witness who's deposed in their individual capacity and that
18 witness is also designated to cover 30(b)(6) topics, that
19 those -- that the depositions in those capacities be conducted
20 on consecutive -- on the same day or on consecutive days to
21 avoid the burdens that would come with having those
22 depositions separated.

23 MR. SLATER: Your Honor, Adam Slater. I'm not sure
24 what Mr. Goldberg is concerned about or why he's concerned
25 about what we're doing today. We told him on the phone when

1 we had our meet and confer that we agreed that if a witness
2 was both a fact witness and a 30(b)(6) witness, that the
3 deposition should happen all at once.

4 So I'm not sure why he has this concern, because we
5 specifically agreed, and, in fact, I said to Mr. Goldberg, you
6 know, in litigations I've been involved in where a witness was
7 both a fact witness and was designated on important issues,
8 the line between corporate and personal testimony or
9 individual testimony is so blurred and interacted that -- I've
10 had depositions where we just took the person as a corporate
11 rep and just did everything under that umbrella because it's
12 just seamless and you just do it all, you know, you just fold
13 everything into one large deposition. And he said, well,
14 that's an interesting idea, that could make a lot of sense,
15 I'll get back to you.

16 And then we never heard back, because we tried to
17 schedule a follow-up meet and confer to both talk about the
18 prioritization of specific witnesses and the 30(b)(6)
19 witnesses at once with our team and their team, and we were
20 trying to schedule the call for yesterday and defense counsel
21 couldn't do it yesterday, so they told us they would provide
22 other dates to talk, either later this week, presumably later
23 this week, so I just don't want Your Honor to think that we're
24 in some unreasonable place where we're not agreeing to basic
25 things we've already agreed to, and that this meet and confer

1 was done, because it wasn't. We were literally waiting for
2 them to get back to us with answers to some of our questions
3 and to schedule a further discussion.

4 So I don't think there's a lot of space here. If
5 their concern is solely that a witness who's both a fact
6 witness and a 30(b)(6) witness will be deposed either, you
7 know, on consecutive days or whatever, or during one time
8 period, we agree, that makes perfect sense. I won't be
9 surprised if we find out that witnesses on the defense side
10 turn out not to be available on consecutive days and we start
11 hearing from the defense, we can give you a day on Tuesday and
12 then another day next Monday.

13 So we're in agreement on that.

14 JUDGE SCHNEIDER: Mr. Goldberg, I think I understand
15 your concern, it's legitimate. I think the way to handle this
16 is to say, the drop-dead date for finalized general deposition
17 protocol, maybe not the addendum, but the general deposition
18 protocol is November 11th. Any issue not raised is waived and
19 we'll get the deposition, general deposition protocol entered
20 and finalized on November 11. And we'll see where we are with
21 the addendum, which the Court recognizes raises a lot of
22 sticky issues, but it's a legitimate concern that this is just
23 going on and on and on.

24 So I thought it was going to be today, you know,
25 we'll give the parties two more weeks to talk about this, and

1 whatever issues are not raised by November 11, well, they're
2 waived and we'll just go with what we've got.

3 So I think that takes care of your concern. All
4 right?

5 MR. GOLDBERG: Thank you.

6 JUDGE SCHNEIDER: But the harder issue -- I think
7 we'll get to deposition protocol, it's pretty standard stuff.

8 The harder issue is obviously the addendums. Do I
9 take it that, Mr. Slater, the parties are still talking about
10 that, right?

11 MR. SLATER: We have not yet had a chance to confer
12 with the defense. They sent us the addendums Friday night and
13 as I said, we're scheduling our opportunities to talk, and
14 you're right, there are a lot of issues there in that
15 addendum.

16 JUDGE SCHNEIDER: So we'll defer that for now and see
17 where we are on November 11 and maybe we'll get lucky and
18 we'll be able to finalize that by November 22nd.

19 I guess just a general question I had is with regard
20 to China and India, do the plaintiffs have to follow either
21 The Hague procedure or the particular procedures, say, the
22 Indian General Central Authority, and if so, does that impact
23 deposition scheduling issues?

24 Mr. Goldberg and counsel for the Indian parties, can
25 you address that?

1 MR. GOLDBERG: Your Honor, I can address it for the
2 Chinese nationals, and then I'll let counsel, my co-counsel
3 address it for the Indian nationals.

4 And I think we covered this or mentioned this before,
5 but in order to take the deposition of a Chinese national who
6 resides in Mainland China, the plaintiffs have to follow The
7 Hague Convention and Chinese Civil Procedure and obtain a
8 letter of request approved by the Ministry of Justice in
9 China, and absent that, a deposition of a Chinese national who
10 resides in Mainland China cannot be conducted in Mainland
11 China without criminal penalties for those who participate in
12 the deposition. And that includes video testimony, as well.

13 So somebody who's at ZHP and lives near ZHP and they
14 need to be deposed in this case, unless plaintiffs have gotten
15 permission from the Chinese government to take that
16 deposition, even by video, they can't do it. And plaintiffs
17 have made no attempt to obtain that letter of request and get
18 that approval, so, you know, we're left with, you know, a
19 situation where we, ZHP, or any other Chinese national could
20 insist that plaintiffs obtain that letter of request and that
21 approval and not be deposed until that happened, and that
22 would be the right of any of -- any Chinese national.

23 As a practical matter, I think it's likely that some
24 ZHP employees and perhaps other Chinese nationals, if they've
25 been noticed or subpoenaed, I think plaintiffs have third --

1 Chinese nationals on their third-party witness list would
2 agree to be deposed in this action, but such agreement would
3 require the Chinese national to actually travel out of China
4 for the deposition, and that's, you know, we've set forth some
5 of those issues or restrictions in our deposition addendum
6 because we want the Court to be well-aware of this unique
7 circumstance.

8 We have suggested that a Chinese national would be
9 deposed in Hong Kong. Because of all of the countries in the
10 world, Hong Kong has the easiest, is the most permissive with
11 respect to entry of Chinese nationals from Mainland China.

12 So if a witness -- if a Chinese national agrees to be
13 deposed in this case, they would agree to be deposed in Hong
14 Kong, which if it's a ZHP employee would still require ten
15 hours of travel. And if it's by video, they would be
16 traveling ten hours to be deposed by video.

17 So obviously, you know, to take a voluntary
18 deposition in this case is demonstrating a real commitment by
19 the witness, and absent that, plaintiff can -- they certainly
20 are permitted, they haven't made any attempt and, in fact,
21 have outright refused to make an attempt to obtain a letter of
22 request to depose a witness in China.

23 I'll let my colleague speak about whether a
24 deposition has to be done -- how a deposition would have to be
25 done with respect to India.

1 MR. SLATER: Your Honor, it's Adam Slater. Do you
2 want me to address that at all or wait? I'll do whatever you
3 want.

4 JUDGE SCHNEIDER: Yeah, why don't you just address
5 the Chinese dep first.

6 MR. SLATER: Okay. ZHP needs to realize that they
7 are a defendant in a United States federal litigation, and
8 they're fully within the jurisdiction of this Court, and I
9 think the sooner they realize that, the better.

10 For Counsel to say, we haven't started the letter of
11 request process, where they've told us that we would then have
12 to take the depositions -- if we could get into China, under
13 very circumscribed circumstances, with state secrets and
14 police officers standing over our shoulders or whatever other
15 things happen in China, I don't know, it's been presented as
16 this very, very difficult process, and I still don't
17 understand, frankly, what state secrets apply to this case, or
18 how it could, and if they're actually going to make such
19 objections in the depositions, in which case, we probably
20 should litigate that issue so we don't have a lot of
21 disruption in the depositions, but we're not going to China to
22 depose these witnesses.

23 Our position is this, Your Honor, and this is what I
24 was saying before about trying to work cooperatively to
25 identify the best witnesses to be 30(b)(6) witnesses to bring

1 to the United States or maybe they're already here, like John
2 Du who lives in the United States, or they could be done in
3 closer countries where there can be more convenience and
4 efficiency.

5 That's the problem, because we're hearing this from
6 the defense where they're essentially threatening us and
7 saying, well, our witnesses who work for a defendant that is
8 under the jurisdiction of this Court and the Federal Rules of
9 Civil Procedure may not agree to be, deposed, and our position
10 on that is, then you're going to be in default of your
11 discovery obligations and we'll ask for a liability judgment,
12 because we're not going to go to China where we can't get in
13 anyway.

14 So what Your Honor just heard crystallizes a level of
15 why we have a level of frustration in dealing with ZHP. They
16 seem to have this sense of entitlement that they can or can't
17 do what they want when they're before this Court and under the
18 jurisdiction of the Court.

19 We've done research. There's a lot of law that says
20 that we should be able to compel their corporate
21 representatives to be deposed in the District of New Jersey.
22 Now, if there are issues with certain witnesses not being able
23 to get here from China, then they can designate other people,
24 or find a way to accommodate this.

25 We are certainly willing to work with them on the

1 logistics if the witnesses have to be deposed by video from
2 another part of the world.

3 But, for example, I don't think it's feasible to
4 start those depositions at 9:00 p.m. and understand that we
5 have to complete them by six -- five or six o'clock in the
6 morning.

7 I mean, it sounds good to work with each other in the
8 time zones, but we also have to address practical reality.

9 Again, this -- what you just heard from the defense
10 for ZHP is singular to ZHP at this point. We haven't heard
11 that kind of push-back from other defendants from any other
12 countries where they've been so -- I'm going to use the word
13 "obstructive" in the sense of trying to work through these
14 issues.

15 Now, we're hopeful that the meet-and-confer process
16 which is now ongoing with the 30(b)(6) individual witnesses
17 will bear fruit, but you've just heard what we're facing in
18 these calls. So that's -- that's in the short version, our
19 position on where we are and maybe pre-stages some of the
20 issues the Court may have to rule on, and we're going to ask
21 for orders that are going to ultimately, if this is their
22 position, going to compel witnesses to go where the Court
23 tells them to go because they're under the jurisdiction of
24 this Court. They sold these products in the United States,
25 taking advantage of United States laws to make a lot of money,

1 and now they're being called before the Court and need to
2 cooperate.

3 JUDGE SCHNEIDER: So, Mr. Slater, does it look like
4 the Court is going to have to decide the issue, of course,
5 after submission of briefs, as to where the depositions of the
6 Chinese nationals are going to be taken?

7 MR. SLATER: If the answer is, if their position is
8 really that we have to find a way to depose these people in
9 China, then there's -- then obviously, that's unworkable and
10 isn't going to happen, and there would be an issue to decide.

11 If that's just something they're throwing up for a
12 negotiating position, then it's probably not an issue at this
13 point, but we have to then determine if we can work out an
14 outside China location for some of the witnesses.

15 So I don't know. It's going to ultimately depend on
16 where they draw the line and how cooperative they are on
17 working with us to name corporate representatives who can
18 cover as much of the key testimony as possible in an efficient
19 and a convenient location as possible -- yeah, if they can do
20 that, then I don't see why there should be any reason for the
21 Court to be involved in that, but, that's under the control of
22 the defense in terms of what line they want to draw in the
23 sand.

24 JUDGE SCHNEIDER: Question for you, though, question:
25 I'm not sure we know the answer now, but hypothetically, this

1 is purely hypothetically, suppose these depositions because of
2 the COVID situation have to be taken by video, does it make a
3 difference if the witness is in Hong Kong or Los Angeles, if
4 it's only --

5 MR. SLATER: I apologize, Judge, I didn't -- the
6 answer to the question is, the only -- the only thing that
7 matters if that's the case, and we expect all the depositions
8 to be taken by video. The only issue is going to be the time
9 zone and the scheduling and whether or not these depositions
10 happen in seven, or eight, or nine-hour chunks, or we break
11 them up, because people cannot stay up until five in the
12 morning taking depositions.

13 JUDGE SCHNEIDER: We'll deal with that issue. I
14 think that's a legitimate issue, but we can deal with that.
15 But it almost seems like if there's an acknowledgement that
16 these depositions have to be -- are going to be taken by video
17 and it's illegal to take a video deposition in China, and if,
18 capital I, capital F, the witnesses are willing to go to Hong
19 Kong to have a video deposition, there doesn't seem to be a
20 dispute then about that, ultimately we'll have to address the
21 length of the deposition, the time it's going to start and
22 end, so that we may be talking about a moot issue, because if
23 it's video, then it doesn't matter where the witness is,
24 right?

25 MR. SLATER: I think that's generally correct. I

1 think there's still the caveat of -- we think that with the
2 corporate representative depositions, that there's authority
3 to have those happen in the District of New Jersey.

4 JUDGE SCHNEIDER: Okay.

5 MR. SLATER: And we're hoping that -- because the
6 defense wants to work with us on certain things, on how many
7 witnesses we depose, we're hopeful that that's going to be
8 something that they will work with us on.

9 THE COURT: Okay. Fair enough, fair enough. So I
10 think what we're -- ultimately, where we are is that not
11 unexpectedly, this is an issue that still has to be hashed out
12 because of the acknowledged logistical problems that come with
13 the Chinese witnesses.

14 So we'll let you and Mr. Goldberg talk it out.

15 Let's talk about India. I'm not sure who's going to
16 talk about the Indian depositions.

17 MR. TRISCHLER: Your Honor, this is Clem Trischler.
18 I don't want to step on anyone's toes, so if there's anyone
19 else on our side that wants to speak about it, I'm certainly
20 happy to defer, and if the Court wants to get into some of the
21 specifics of the interplay of the Federal Rules of Civil
22 Procedure and The Hague Convention as it applies to India, my
23 colleague, Frank Stooli is on the line and I may defer to
24 Frank for some of the -- any specific questions that the Court
25 may have, but just to address a few things, if I may.

1 I think, as it relates to India, you know, I think
2 some of this discussion may be a bit premature because in
3 fairness, and as Mr. Slater said, we could reasonably submit
4 in the addendum to them. We haven't really had a chance to
5 hash it out, so I don't think anyone can really say how much
6 is in dispute, if any, and what we can work out and what we
7 cannot work out.

8 So I'm optimistic that many of these issues will be
9 capable of being resolved.

10 I think that India does follow, but I can't tell you,
11 though, is I think India does follow The Hague Evidence
12 Convention. And that in the case of individuals who are
13 citizens of the nation of India, who are not 30(b)(6)
14 representatives, who are not parties to this litigation but
15 individual employees who reside in India, international law
16 would require that there be -- that those requirements be
17 followed and that would involve similar to what Mr. Goldberg
18 issued, a request being sent to an authority in India and
19 permission to take the deposition.

20 Granted, now, I think one of the things that we
21 consistently talked about, and I don't -- you know, we're not
22 raising international law as a hurdle or an obstacle or an
23 impediment to discovery, it's just a reality.

24 But I think what we've talked about when we've had
25 discussions with the plaintiffs' side is that we do think the

1 30(b)(6) depositions should come first as it relates to
2 manufacturers based in India.

3 We are not taking the position that 30(b)(6)
4 depositions cannot be taken. You know, frankly, in the case
5 of my client, I'm hoping that many of the 30(b)(6) designees
6 that we made will be -- designations that we made will be U.S.
7 based, so that we can try and do those depositions and that
8 sort of discovery first.

9 But once we get past the 30(b)(6) stage, if plaintiff
10 believes there are Indian nationals that they still want to
11 dispose, we are going to have to face the issue of foreign law
12 and the reality that those are citizens of another nation,
13 they're not parties, they're not subject to the jurisdiction
14 of this Court, and that those depositions have to be taken
15 either by agreement, and if not by agreement, then pursuant to
16 the foreign laws.

17 JUDGE SCHNEIDER: Well, here's the question -- you
18 know, to be more practical, I want to make sure I understand
19 what you're saying.

20 Now, when I read Mr. Goldberg's letter and I could be
21 wrong, I read Mr. Goldberg's letter to indicate that, you
22 know, if these witnesses -- if their witness -- if the Chinese
23 witness -- whoever is typing, can you put your phone on mute,
24 please? That would be very helpful.

25 So with regard to ZHP, I understood the situation to

1 be if the witnesses go to Hong Kong, there may be issues about
2 having someone who has to fit in, but we don't have to worry
3 about The Hague or any other issues.

4 But what I read, the portion of the letter regarding
5 India, I got the impression that the Indian entities are going
6 to insist upon compliance with some provisions required by The
7 Hague Evidence Convention or this Indian Central Authority.

8 Is that the case, and is that the same case if,
9 suppose, the Indian witness goes to another country, can we
10 avoid those complications and inevitable delay.

11 MR. TRISCHLER: As to the last question first, Your
12 Honor, if the witness were to appear voluntarily in, you know,
13 in another country, then certainly the deposition can be
14 taken. That's, you know, that's simply discovery by agreement
15 at that point. And there are no foreign laws that are being
16 implicated.

17 What -- I think what we were -- what we were
18 attempting to do in the draft of the addendum, on behalf of
19 all of the Indian manufacturers, was simply to preserve, to
20 advise the Court and to preserve the objection to serial
21 requests for individuals, depositions of foreign nationals
22 that we don't think is proper.

23 You know, on behalf of my client, I'm not drawing any
24 line in the sand at this point saying that Mylan
25 Pharmaceuticals is not going to, you know, is unwilling to

1 produce any Indian witnesses for deposition in, you know,
2 wherever the witness appears.

3 I'm certainly willing to work with the plaintiff on
4 that.

5 All I'm saying is that at some point in time, there
6 may be a point where we need to say, you know, we can't do it,
7 we can't do any more. I think -- that's why I said, I started
8 my comments by saying I think some of this is premature,
9 because I'd like to have some time to continue to talk to the
10 plaintiff about how we can do this and what we can work
11 through.

12 JUDGE SCHNEIDER: Okay.

13 MR. TRISCHLER: But these issues are there and they
14 are real.

15 JUDGE SCHNEIDER: Okay. I think that's fair enough
16 and you should have an opportunity --

17 MS. LOCKARD: Your Honor, if I may, I want to make
18 sure I preserve this as well. Victoria Lockard, the Teva
19 defendants.

20 We, on behalf of Teva, we've had an initial meet and
21 confer with the plaintiff on this and we do have a number of
22 witnesses who are based in Israel and Europe, but I think Mr.
23 Trischler has, you know, stated the position that Teva is also
24 in, which is that, you know, we're continuing to evaluate
25 this. We have a number of witnesses in the U.S. We can start

1 there, and, you know, we don't intend to, you know, blockade
2 discovery either, but we do think that there are going to be
3 some basic procedural requirements that it should not, should
4 not be too difficult to accomplish.

5 But I wanted to make sure I was heard on that for
6 Teva.

7 JUDGE SCHNEIDER: Fair enough. But I think the
8 bottom line is that obviously, discussions have to further
9 advance between the parties, one, about who's going to be
10 deposed and where, again, if we're going to do this -- if
11 you're going to do the depositions by video, and it's illegal
12 -- or it's not illegal in India, but if you do a deposition in
13 India, you have to go through the gymnastics of The Hague
14 Convention.

15 Hopefully, the witness and the parties will agree,
16 you know, the witness could fly to another country, take the
17 video deposition there, and you could work it out. But again,
18 the bottom line is, it's just a subject of further discussion
19 between the plaintiffs and defendants about the mechanics and
20 logistics of getting this done.

21 It doesn't sound insurmountable, but unquestionably,
22 incredibly difficult. So hopefully, the parties will continue
23 to talk.

24 We'll get the general deposition protocol finalized
25 November 11, see where we are with the addendums on

1 November 11, and maybe on that date, we can set a final date
2 for the submission of the addendums, with the recognition that
3 they create more complications and difficulties than a general
4 deposition protocol.

5 But where there's a will, there's a way, and
6 especially since the depositions are likely to be taken by
7 video, there should be a way to get this done.

8 Of course, the issues about when the depositions are
9 going to start, exhibits, the interpreters, how long the
10 depositions are, they have to be worked out. But again, like
11 I said, where there's a will, there's a way.

12 So we'll -- you know, I appreciate the input of the
13 defendants, it's very helpful to get this discussion started.
14 And going back to my original point, Mr. Slater, whoever is
15 going to take the lead for these depositions for your group, I
16 don't know if there's going to be a person or a group who does
17 Teva, a person in your group who's going to do Mylan, they
18 ought to be the ones who talk directly to these parties to try
19 and work out these issues.

20 Okay. So I think we sort of finished the discussion
21 of the deposition protocol. We know what we're going to do
22 with that. We have agreed to put off the Rule 34 document
23 requests with the final date of November 11th to get those
24 resolved.

25 The next issue I see on the agenda is the

1 coordination of the state cases.

2 I mean, could there be -- there obviously can't be
3 any disagreement that there should be as much coordination as
4 possible between the state and federal cases. Anything the
5 Court can do to help in that regard, we'll do. It just makes
6 perfect sense.

7 Any ideas about what we could or should be doing, and
8 is the thing to do to talk to the plaintiffs' attorneys in
9 those cases and to get them on board? Because we don't have
10 any jurisdiction over the state cases.

11 MR. SLATER: Your Honor, Adam Slater. Yes, we would
12 like to. We've reached out without tremendous success on one
13 of the litigations, but what we need, and I expressed this to
14 Mr. Goldberg last week, is we need them to get us fully up to
15 date on what's happening in these litigations.

16 We just found out that there were motions to dismiss
17 filed in some other cases.

18 A VOICE: Nicole speaking. Hello?

19 MR. SLATER: It's Adam Slater.

20 JUDGE SCHNEIDER: Who is this talking? Well, that
21 might have been someone who is talking on another phone call,
22 Mr. Slater, so just continue.

23 MR. SLATER: Got it.

24 It would be -- we need the defense to immediately,
25 when they find out about another case somewhere else to notify

1 us, let us know the status. I mean, I just looked at their
2 chart and saw that motions to dismiss have been filed in some
3 of those cases. I don't know what the issues are that they've
4 moved on. I don't know, you know, if this is something where
5 you're going to suddenly start receiving decisions from
6 another Court where we weren't even on notice to even talk to
7 the plaintiffs and perhaps find out if we can coordinate with
8 their briefing or find out what's happening, et cetera, et
9 cetera.

10 So we need to be on notice of all the cases and who
11 the lawyers are so we can reach out to them and then, of
12 course, we will and do whatever we can to try to work towards
13 coordination, you know, understanding we don't have complete
14 control either, if they're not part of -- certainly not part
15 of our team.

16 But we're at a little bit of a loss on, I think, some
17 of these cases because we don't know about them.

18 MR. GOLDBERG: Your Honor, this is Seth Goldberg.

19 JUDGE SCHNEIDER: Yes, go ahead.

20 MR. GOLDBERG: This is Seth Goldberg. I was going to
21 say, I think we -- there are a number of different state court
22 cases obviously, we've put them in our submission and I think
23 we obviously have an interest in trying to have these
24 coordinated. We certainly will do our best to alert
25 plaintiffs' counsel to them. In the past, we tried to do

1 that. It's not -- you know, plaintiffs, I think have an
2 obligation if they're wanting to get notice from us to then do
3 what they can in a responsive way to try to get these things
4 resolved, and get these things coordinated.

5 So, you know, we certainly want to do that. The New
6 Jersey cases have all been held in abeyance. There are some
7 other jurisdictions out there that, you know, we need to try
8 to get some coordination on, so that those cases, if they get
9 beyond motions to dismiss, don't get ahead of the MDL.

10 JUDGE SCHNEIDER: Well, I think Mr. Slater's idea is
11 a good one, to make sure that their group is updated on the
12 status of those cases, and I don't know, you have more
13 experience doing this than we do, but I would think that if
14 the plaintiff group in this case talks to the plaintiffs in
15 those cases, it seems logical that something should be worked
16 out about coordination. It just makes absolutely zero sense
17 for those cases not to be coordinated somehow with this MDL.

18 So hopefully, that will be worked out, and whatever
19 this Court can do to foster coordination, just let us know.
20 We can certainly reach out to the New Jersey judges, that's
21 easy, and if we have to, we'll reach out to the state court
22 judges in the other states as well.

23 But if you have any ideas about what we can do to
24 help foster coordination, we are all for it.

25 But in the first instance, I think Mr. Slater's

1 plaintiffs' group ought to talk to the plaintiffs in these
2 state cases and then if that doesn't work out and you think it
3 would be helpful if myself or Judge Kugler contacts the judge
4 in those other state cases, by golly we'll do it.

5 MR. GOLDBERG: Thank you, Judge.

6 JUDGE SCHNEIDER: I'm looking through the agenda. I
7 don't see any issues, any other issues for this call. You
8 tell me. Are there any other issues that we need to talk
9 about?

10 Let me just summarize my notes about where we are,
11 okay?

12 More than likely, all depositions are probably going
13 to start in January. I'm not holding you to that, defendants,
14 but it sounds like it's likely. The Rule 40 -- the Rule 34
15 document request is deferred until November 11. I anticipate
16 there's going to be issues with MSP.

17 My general reaction to that is certainly, plaintiffs
18 -- I'm sorry, defendants are entitled to take class
19 certification discovery. I don't know if it's true or not,
20 but defendants have represented in their submission that MSP
21 has only produced information for three of its 94 assignors.

22 You know, my gut reaction without ruling is that's
23 insufficient. On the other hand, it seems impractical that
24 defendants are going to get information on all 94.

25 I don't know the issues, we'll have to brief it, but

1 it just seems logical if you can break the assignors into
2 different categories and maybe you can agree that defendant
3 can get an appropriate sampling from each category, that would
4 be sufficient for class certification purposes. But I assume
5 that's an issue you're going to have to discuss and work out.

6 But there's no question that, you know, defendants
7 are entitled to defend class cert. We've said it time and
8 time again. The plaintiffs have to have skin in the game, and
9 if it means they have to dig through their files to get
10 information, so be it. It's a big case and defendants have
11 the right to defend their interests. That's my general
12 impression on the MSP issue, but I'm sure you're going to
13 discuss that.

14 We set a final date, a drop-dead date of November 11
15 to finalize the general deposition protocol. All issues not
16 raised by that date are going to be waived, and then we'll
17 revisit the status of the addendums for the foreign companies,
18 but I think based on this discussion and the fact that there
19 seems to be an acknowledgement that we're going to do the
20 deposition -- you're going to do the depositions by video,
21 that certainly helps and goes a long way towards making it a
22 little bit easier to get these depositions done.

23 So that's my summary of what we discussed today.

24 Judge Kugler, as soon as we hang up, or I hang up,
25 I'm going to alert him to what we talked and he's going to

1 join the call, but I wanted to -- oh, on the coordination of
2 state cases, defendants are going to share with plaintiff the
3 information they have and you'll let this Court know if
4 there's anything we can do to help foster coordination, which
5 -- no one can reasonably agree of like mind that the cases
6 shouldn't be coordinated, they absolutely should be.

7 So are there any other issues to address on this
8 call, Counsel, before we take a short break, and I'll get
9 Judge Kugler on the line.

10 MR. SLATER: Your Honor, nothing for the plaintiffs.
11 Do you want us to hold on and wait or --

12 JUDGE SCHNEIDER: Yeah, I actually think that would
13 be best.

14 I don't think it's going to be long. He's in the
15 office. I'm going to give him a call now. If you could hold
16 on a few minutes and just wait, I'll go get him.

17 Mr. Goldberg, anything else for the defendants?

18 MR. GOLDBERG: Nothing for defendants, Your Honor.

19 JUDGE SCHNEIDER: Okay. And, oh, one thing I didn't
20 mention is I know we have a briefing schedule for the issues
21 that Teva raised. I'm going to do my darndest to decide that
22 issue on November 11. We'll see what the briefs say.

23 The heat's off a little bit because we stayed the
24 review of the, quote unquote, nonresponsive documents so the
25 heat is off a little bit, so, if we don't get a decision on

1 November 11, you'll get a decision very, very close to that,
2 and I think that issue is in hand.

3 MS. LOCKARD: Thanks, Judge.

4 JUDGE SCHNEIDER: Okay. I'm sorry, go ahead.

5 MS. SMITH: Excuse me, Judge, this is Loretta. Judge
6 Kugler is in -- at the FSK so I'm told this afternoon, so let
7 me e-mail him to get on the line.

8 JUDGE SCHNEIDER: I'm sorry, Loretta, what did you
9 say, he's where?

10 MS. SMITH: He's at the court in Washington.

11 JUDGE SCHNEIDER: No, he's not. I'll take care of
12 it, Loretta.

13 MS. SMITH okay.

14 JUDGE SCHNEIDER: His schedule changed. He's here
15 today.

16 MS. SMITH: Okay. Thanks, Judge.

17 JUDGE SCHNEIDER: Just hold on, everybody, a few
18 minutes, we'll be back. Just hold on.

19 (Pause.)

20 JUDGE SCHNEIDER: I just spoke to Judge Kugler and he
21 should be joining the line at any moment.

22 JUDGE KUGLER: Good morning, it's Judge Kugler. How
23 is everybody doing?

24 MR. SLATER: Well, Your Honor, how are you.

25 MS. LOCKARD: Good morning.

1 JUDGE KUGLER: I am well, thank you. Is the court
2 reporter on? Karen, are you on?

3 THE COURT REPORTER: Yes, Judge, I'm here.

4 JUDGE KUGLER: As I understand it, there's not a
5 whole lot you need me to do today. We do have this issue on
6 the orders to show cause.

7 Issue 1. There are a number of people that defense
8 counsel say still haven't sufficiently responded, but in the
9 meantime, the Edwin Lewis case has been dismissed. We'll be
10 dismissing Joseph Gioia, G-I-O-I-A; Karen Meade, M-E-A-D-E;
11 and Paulette Bray, B-R-A-Y; and that leaves six.

12 Is there anybody else that needs to be dismissed or
13 are we going to move to dismiss on these six?

14 MR. PAREKH: Good morning, Your Honor, this is Behram
15 Parekh. We submitted and defendants submitted as to Karen
16 Meade, that she should not be on the OSC list the last time
17 and she should not be dismissed this time.

18 JUDGE KUGLER: Well, it's in the letter I got from
19 Mr. Goldberg. She's on the list of things that you're no
20 longer seeking a dismissal of, correct?

21 MR. HARKINS: Your Honor, this is Steven Harkins from
22 Greenberg Traurig for the Teva defendants and the joint
23 defense group. That's correct with respect to Ms. Meade. As
24 we indicated in our letter, we are no longer seeking an order
25 to show cause as to that case, and the same goes for the Gioia

1 and Bray cases, as you stated.

2 JUDGE KUGLER: Okay. That leaves six more that are
3 still being carried. Judy Griffit, G-R-I-F-F-I-T; Susan
4 Mefford, M-E-F-F-O-R-D; Margaret Gehefer, G-E-H-E-F-E-R;
5 Virginia Bowden, B-O-W-D-E-N; Linda Frain, F-R-A-I-N; and
6 Linda Lewis, L-E-W-I-S.

7 Any objections to dismissal of those six?

8 MR. HARKINS: No. Once again, this is Steve Harkins
9 for the defense. With respect to these cases, we have several
10 updates since our position statement was filed on Monday.

11 The Judy Griffit and Susan Mefford cases have been
12 dismissed by stipulation, so we no longer need to request
13 dismissal as to those.

14 The parties have also had further discussions with
15 regard to the Linda Lewis case, and we can remove that case
16 from the request to show cause at this time.

17 JUDGE KUGLER: Okay. Linda Lewis, that order to show
18 cause will be dismissed. Judy Griffit, you're no longer
19 seeking dismissal of that, because that's been dismissed,
20 correct?

21 MR. HARKINS: Yes, Your Honor, that's correct.

22 JUDGE KUGLER: And what was the other one that
23 there's a dismissal filed?

24 MR. HARKINS: Susan Mefford, M-E-F-F-O-R-D.

25 JUDGE KUGLER: Okay. All right. The others, then

1 that would be Margaret Gehefer, Virginia Bowden and Linda
2 Frain will be dismissed. All right.

3 Now, there's also a number of second listings that
4 you seek to shift to an order to show cause. Any updates on
5 those?

6 MR. HARKINS: Your Honor, we've received no
7 additional updates with respect to the cases, the eight cases
8 listed for the second listing. So at this time, we are
9 requesting orders to show cause returnable at the November
10 case management conference as to all eight of these cases.

11 JUDGE KUGLER: All right. These will be Dorothy
12 Battle, B-A-T-T-L-E; Donald Stewart, S-T-E-W-A-R-T; Louis
13 Fisher, F-I-S-H-E-R; Louis Weiner, W-E-I-N-E-R; Theodore
14 Keller, K-E-L-L-E-R; Alcuf, A-L-C-U-F, Gunter, G-U-N-T-E-R;
15 James Huey, H-U-E-Y; and Paulette Bray, B-R-A-Y. Orders to
16 show cause will issue as to those returnable at the November
17 conference as to why they shouldn't be dismissed.

18 And then there's a -- starting at Page 25 of the
19 defense letter, there are a list of -- let me get to the end
20 of this -- 22 names that you seek for second listing; is that
21 correct?

22 MR. HARKINS: Your Honor, the cases that are listed
23 on the remainder of the defendants' position statement are
24 being listed for the first time, so we are not requesting
25 orders to show cause as to any of them. If there's anything

1 that plaintiffs' counsel would like to update us on, we are
2 happy to hear that, but otherwise, we think we can continue to
3 meet and confer with plaintiff's counsel ahead of next month's
4 case management conference.

5 MS. GOLDENBERG: Sorry, Your Honor, this is Marlene
6 Goldenberg for the plaintiffs. We had a lengthy meet and
7 confer last weekend. I don't believe that there are any
8 updates beyond what has come in the late evening hours of this
9 week, that the defendants are already aware of. I just wanted
10 to note for the Court that a number of these deficiencies
11 likely will be cured by the next conference as a lot of these
12 plaintiffs' counsel are just waiting for records to come in
13 from their clients.

14 JUDGE KUGLER: Okay. They will be carried, then,
15 until the next conference and you can advise us at the next
16 conference which, if any of these, need to move to an order to
17 show cause.

18 Now, an issue was raised about all the other pending
19 litigation, federal, state. Is there anything that this Court
20 needs to do about any of that?

21 MR. GOLDBERG: Your Honor, this is Seth Goldberg for
22 the defendants. Not at this time. We'll confer with
23 plaintiffs and, hopefully, plaintiffs will be able to make
24 some progress with the plaintiffs' counsel for those cases,
25 and if there's a way the Court can help, we'll certainly let

1 you know.

2 JUDGE KUGLER: Okay. And then, Mr. Goldberg, at the
3 end of your letter, you asked about, you've requested oral
4 argument on the pending motions to dismiss, correct?

5 MR. GOLDBERG: Correct, Your Honor.

6 JUDGE KUGLER: I'm not in a position today to tell
7 you whether we're going to have oral argument or not on those
8 cases. I generally have it only if I have questions, and I
9 haven't had enough time to really get into your motions to
10 know whether I had questions, but we will be advising you soon
11 if there will be oral argument.

12 The impediment that we have about oral argument in
13 the courthouse is, New Jersey now has 41 states on its
14 quarantine list, so if you're coming from out of state to New
15 Jersey, you might be facing that problem. So I can't ask
16 anybody to come from out of state into New Jersey, they would
17 be facing that issue.

18 We're also severely limited in courtroom
19 availability. We're not really doing any civil matters.
20 We've partially reopened for criminal matters, and even then,
21 the -- there are severe restrictions on the number of people
22 who can be in the courtroom and it's about 12 or 14 people is
23 all we can fit in a courtroom, because of social distancing
24 requirements.

25 But I will advise you in the not too distant future

1 as to whether and when we would have oral argument on any of
2 the pending motions.

3 All right. Anything else that I need to decide today
4 from either side?

5 MR. SLATER: Nothing from plaintiffs, Your Honor.

6 JUDGE KUGLER: Okay. How about defense counsel?
7 Anything else you need -- you want to talk about? I know you
8 had a long and fruitful discussion with Judge Schneider today.

9 MR. GOLDBERG: Your Honor, this is Seth Goldberg. I
10 -- we don't have anything for Your Honor to decide. I know
11 that at the end of the month, we're going to be talking with
12 Your Honor about the scheduling of depositions of plaintiffs
13 in personal injury cases, and is scheduled for general
14 causation.

15 I just wanted, before we got off, to see if any of my
16 defense colleagues wanted to discuss that with Your Honor.

17 MS. LOCKARD: Your Honor, it's Victoria Lockard for
18 the Teva defendants. I just -- just to update you on where
19 that stands, we do intend to submit to Your Honor a proposed
20 schedule. That would incorporate those elements for the issue
21 of causation as well as personal injury plaintiff depositions,
22 and I believe at the last conference, Your Honor indicated you
23 intended to enter such a schedule in November.

24 So our intent is to send the proposal over to
25 plaintiffs this week and to do our best to meet and confer on

1 it, and hope to be in a position to submit something that is,
2 if not fully agreed, then close to being agreed before the
3 next conference.

4 JUDGE KUGLER: That's great. I look forward to
5 seeing what you propose and we'll discuss it at the November
6 conference, okay?

7 MS. LOCKARD: Excellent. Thank you, Judge.

8 JUDGE KUGLER: Anything else from anybody, plaintiffs
9 or defense?

10 MR. GOLDBERG: Nothing from defendants, Your Honor.

11 JUDGE KUGLER: All right. I'd like to speak with
12 Mr. Slater and Mr. Goldberg privately.

13 Is there -- is there a call-in number we can use for
14 just us?

15 MR. SLATER: Your Honor, this is Seth Goldberg. I
16 can send an e-mail with a number.

17 JUDGE KUGLER: Okay. That's great.

18 MR. SLATER: I'll send that to you and Mr. Goldberg.

19 (11:55 a.m.)

20 -----

21 I certify that the foregoing is a correct transcript
22 from the record of proceedings in the above-entitled matter.

23 /S/ Karen Friedlander, CRR, RMR
24 Court Reporter/Transcriber

25 October 30, 2020
Date

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